(44)

## HIGH COURT OF CHHATTISGARH: BILASPUR

**Writ Petition No. 1288 of 2001**

**PETITIONER** Smt. Rama Devi, W/o. Gopal Jethi, aged 38 years, resident of Telibandha, Raipur, District Raipur, (CG).

**Versus**

**RESPONDENTS**

1) The State of Chhattisgarh, through the Secretary, Department of Urban Development and Administration Raipur.

2) Joint Director, Town and Country Planning, District Office, Raipur.

3) Gram Panchayat Labhandi, Block Dharsivan, District Raipur.

(Writ Petition under Article 226/227 of the Constitution of India)

**SB: Hon'ble Mr. Satish K. Agnihotri, J.**

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**Present:** Shri B.D. Guru, counsel for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the State.

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**ORAL ORDER**
**(Passed on 16-11-2007)**

Learned counsel appearing for the petitioner submits that the petitioner is aggrieved by notice dated 10-7-2001 (Annexure P/1) issued by the Joint Director, calling upon the petitioner to remove the structure in dispute within thirty days, failing which the same would be removed.

2) This Court on 2-8-2001 directed to maintain status quo as obtained on that day at 4.30 p.m. By virtue of the interim order, the petitioner is continuing in possession of the structure in question. In normal circumstances, disputed facts should not be interfered with in writ jurisdiction. However, in the facts of the case, it appears that it was not

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show cause notice to submit reply, but it was notice to remove the structure within prescribed period.

3) Learned counsel appearing for the State submits that no steps to remove or dispossess the petitioner from the structure in dispute, shall be taken without affording proper opportunity of hearing to him in accordance with law, without insisting compliance of the impugned order dated 10-7-2001.

3) In view of the foregoing, according to the learned counsel appearing for the petitioner, nothing survives in the matter. Accordingly, this petition is disposed of.

Sd/-
Satish K. Agnihotri
Judge

Raju